

**IN THE COURT OF REHMIAT ULLAH WAZIR,
CIVIL JUDGE-I ORAKZAI AT CAMP COURT, KALAYA**

Civil Suit No. 31/1 of 2021
Date of Institution: 27/03/2021
Date of Decision: 06/12/2021

**Saleema Bibi W/O Izzat Khan
R/O Caste: Feroz Khel, Tappa Qasim Khel, Tehsil Lower,
District Orakzai.**

(Plaintiff)

VERSUS

1. **Chairman NADRA, Islamabad, Pakistan.**
2. **Assistant Director, NADRA, District Orakzai.**
Through
Assistant Director, NADRA, Orakzai. Defendants

**SUIT FOR DECLARATION -CUM- PERPETUAL AND
MANDATORY INJUNCTION**

JUDGEMENT:

1. Plaintiff Saleema Bibi W/O Izzat Khan has brought the instant suit for declaration-cum-permanent injunction against defendants Chairman NADRA, Islamabad, Pakistan, and Assistant Director, Orakzai, seeking therein that correct name of mother of the plaintiff's is **Peela Jan** whereas, defendants have wrongly entered the mother's name of plaintiff as Khial Jan which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;
2. Defendants were summoned, who appeared before the court through their representative and contested the suit by filing their written statement.
3. Divergent pleadings of the parties were reduced into the following issues;

Issues:

1. Whether the plaintiff has got cause of action?
2. Whether the plaintiff is estopped to sue?
3. Whether the suit of the plaintiff is within time?
4. Whether the correct name of father of the plaintiff's is **Peela Jan**, whereas, defendants have wrongly entered the mother's name of plaintiff as Khial Jan in her CNIC?
5. Whether the plaintiff is entitled to the decree as prayed for?
6. Relief?

Parties were given an opportunity to produce evidence which they did accordingly.

Issue wise findings of this court are as under: -

Issue No. 02:

The defendants in their written statement raised the objection that the plaintiff is estopped to sue but later on failed to prove the same, hence, the issue is decided in negative.

Issue No. 03:

MR ~~at~~ The defendants in their written statements raised their objection that suit of the plaintiffs is time barred but I am the opinion that as per Article 120 of the Limitation Act, 1908 there is a period of 06 years for the institution of such like suits but the aforesaid Limitation Act, 1908 is extended to the erstwhile FATA on 31/05/2018 through the 25th constitutional amendment and the same has become operational from the aforesaid date while the instant suit has been filed on 27.03.2021. Thus, the same is well within time. The issue is decided in positive.

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Issue No. 04:

The plaintiff alleged in her plaint that the correct name of mother of the plaintiff's is **Peela Jan**, whereas, defendants have wrongly entered the mother's name as Khial Jan which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;

The plaintiff produced witnesses in whom Mr. Talab Khan S/O Dalal Khan, an uncle of the plaintiff, appeared as PW-01, who produced his CNIC which is exhibited as Ex-PW 1/1 and further fully supported the stance of the plaintiff as in the plaint. Further Mr. Aurangzeb S/O Zardin, the brother of the plaintiff, appeared as PW-02, who produced his CNIC which is exhibited as Ex. PW-2/1, and further fully narrated the same story as in the plaint. Further Mst: Saleema Bibi, the plaintiff herself, appeared as PW-03, who produced her CNIC, which is exhibited as Ex. PW-3/1, and she further narrated the same story as in the plaint. These witnesses have been cross examined but nothing tangible have been extracted out of them during cross examination.

In order to counter the claim of the plaintiff, the defendants produced only one witness, as Mr. Syed Farhat Abbas, the representative of the defendants appeared as DW-1, who produced the Detail Form of CNIC of the plaintiff which is Ex-DW 1/1 and Family tree of the plaintiff which is exhibited as Ex-DW-1/2, and further fully denied the claim of

the plaintiff. But during cross examination, he admitted that the form of the plaintiff is not available in the record and he does not know whether the plaintiff is literate or not.

Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the plaintiff established her case through oral and documentary evidence. Further the plaintiff is illiterate lady and belongs to a very backward area, thus, there is every possibility of such like mistakes. Moreover, the defendants failed to counter this claim of the plaintiff through strong evidence and also did not revealed any reason for opposing the present plaint. Thus, in the light of the aforesaid finding the issue is decided in positive.

Issue No. 01 &05:

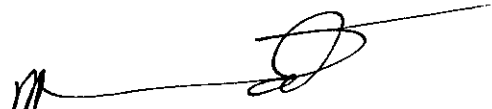
Both these issues are interlinked, hence, taken together for discussion. As sequel to my findings on issue No. 4, the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Both these issues are decided in positive.

RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiff is hereby decreed as prayed for.

File be consigned to the Record Room after its completion and compilation.

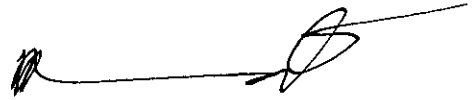
Announced
06.12.2021


(Rehmat Ullah Wazir)
Civil Judge-I,
Camp Court, Kalaya, Orakzai

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CERTIFICATE

Certified that this judgment of mine consists of five (05) pages, each has been checked, corrected where necessary and signed by me.



(Rehmat Ullah Wazir)
Civil Judge-I,
Camp Court, Kalaya, Orakzai